A of N.J.A.C. 7:IE. Appendix A includes a list of hazardous substances adopted by the Environmental Protection Agency pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. §1321, and a list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to Section 307 of that Act, 33 U.S.C. §1317. Sewage and septage are not considered hazardous substances.

The regulations define hazardous waste as any amount of any waste substances required to be reported to the Department on the special waste manifest pursuant to N.J.A.C. 7:26-7.4, or designated as a hazardous waste pursuant to N.J.A.C. 7:26-8. The Department may expand, after public hearing, what constitutes a hazardous substance or waste through regulatory amendments.

The lists of hazardous substances and hazardous wastes are included in this package.

10. How does one get a deferral of implementation of an approved cleanup plan?

N.J.A.C. 7:1-3.14 outlines the procedures. If the premises of the industrial establishment would be subject to substantially the same use by the purchaser, transferee, mortgagee, or other party to the transfer, the owner or operator of the industrial establishment may apply, in writing, to the department for authorization to defer implementation of an approved Cleanup Plan until the use changes or until the purchaser, transferee, mortgagee, or other party to the transfer closes, terminates, or transfers operations.

The person applying for a deferral must prepare a written certification which is notarized and signed by an officer or management official stating the above and must be supported by similar documentation from the new owner or operator.

If this certification is denied by the department, immediate implementation of the approved Cleanup Plan shall be undertaken.

A Deferral can only be granted after a Cleanup Plan has been submitted and approved by the department. Requests prior to approval will be immediately denied as premature.

Deferral of a Cleanup Plan will be granted only when it can be shown that the deferral will not cause or exacerbate an environmental pollution problem or represent a risk to the health of residents or employees.

11. Can the purchaser take responsibility for a cleanup?

Yes, provided the department is informed and approves the transfer of responsibility in writing.

12. How do I obtain an exemption from the ECRA requirements?

If you feel your industrial establishment should be exempt, you may petition the department in writing for an exemption as an individual or as a class from